

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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CHRISTOPHER R. HUBBLE,

Plaintiff,

v.

DR. MARKS, *et al.*,

Defendants.

Case No. 3:22-cv-00277-MMD-CSD

ORDER GRANTING IN PART AND
DENYING IN PART MOTION TO
DEPART FROM COMPLAINT FORM
AND GRANTING MOTION TO FILE
OVERSIZED REPLY BRIEF

(ECF Nos. 11, 18)

Pro se plaintiff Christopher Hubble brings this civil-rights lawsuit to redress constitutional violations he is alleged to have suffered while he was incarcerated at Lovelock Correctional Center. (ECF No. 7). On August 9, 2022, the Court screened Hubble's Complaint, allowing the medical-indifference claim to proceed but dismissing the other claims with leave to amend by September 9, 2022. (ECF No. 6). The Court instructed the Clerk of the Court to send Hubble the Court's approved form for filing a 42 U.S.C. § 1983 complaint, instructions for the same, and a courtesy copy of his original complaint. (*Id.* at 9). Two weeks later, Hubble filed a motion seeking leave to file an amended complaint that departs from the official form. (ECF No. 11). Hubble also seeks leave to file a reply brief in support of his injunctive-relief motion that exceeds Nevada Local Rule 7-3(b)'s 12-page limit by 5 pages.

The Court now resolves these motions. The Court has not directed defendants to respond to either motion. The Court is satisfied that it can resolve both motions without further briefing. Hubble has filed other motions, but the Court will not address them in this order. (See, e.g., ECF Nos. 20, 21).

I. DISCUSSION

A. Motion to file an amended complaint that departs from the form

Hubble argues that the Court's form civil-rights complaint does not have enough pages for him to plead his claims, includes a warning not to exceed a certain page count,

1 but the form does not provide any detail about how extra pages should be added. (ECF
 2 No. 11 at 2). Hubble is mistaken. Page 2 of the Instructions for Filing a Civil Rights
 3 Complaint by an Incarcerated Individual, under the heading titled “C. Completing the Civil
 4 Rights Complaint Form,” explains:

5 Do not write on the back of any of the pages. All information must be clearly
 6 and concisely written in the space provided on the form. Do not write in the
 7 margins. **If you attach additional pages to the form, you must identify
 which section of the complaint is being continued and number the
 pages accordingly (e.g. 2-A, 2-B, 3-1, 3-B, etc.).**

8 (ECF No. 6-1 at 2) (emphasis added)). What this means is Hubble can add extra pages
 9 to the form complaint—up to the 30-page limit—without seeking leave of court, but he
 10 must number the added pages so the Court and opposing parties understand where they
 11 go. Because page numbers 1–6 are already listed on the form complaint’s pages, the
 12 instructions recommend that the plaintiff number any additional pages 2-A, 2-B, 2-C, and
 13 so forth. Hubble should organize his amended complaint with all pages in the correct
 14 sequence before submitting it for filing. For example, 1, 2, 2-A, 3, 3-A, 3-B, 3-C, 4, 4-A,
 15 4-B, 5, 6. The Court will therefore grant Hubble’s motion in part as to permitting him to file
 16 an amended complaint that complies with the Court’s instructions for that pleading.
 17 Hubble is cautioned that if he wants to file an amended complaint that exceeds the 30-
 18 page limit, he must file a motion demonstrating that he is entitled to that relief and attach
 19 his proposed amended complaint as an exhibit to the motion. See Nev. Loc. R. 15-1(a).

20 **B. Motion to file an oversized reply**

21 Hubble moves for leave to file a reply brief in support of his injunctive-relief motion
 22 that exceeds Nevada Local Rule 7-3(b)’s 12-page limit by 5 pages. (ECF Nos. 18, 19).
 23 Hubble argues that he needs extra pages because he is required to handwrite his reply
 24 and cannot fully discuss the facts of his medical condition and care in 12 pages. A quick
 25 scan of the proposed reply reveals that Hubble did not deviate from the merits of his reply
 26 and his use of extra pages is not excessive or oppressive. The Court will therefore grant
 27 Hubble’s motion to file an oversized reply brief and will consider the reply Hubble filed at
 28 ECF No. 19 in reviewing the merits of his injunctive-relief motion.

1 **II. CONCLUSION**

2 It is therefore ordered that the motion to file an amended complaint that departs
3 from the Court's form civil-rights complaint (ECF No. 11) is granted in part and denied in
4 part. Hubble has leave to file an amended complaint that has pages in addition to those
5 provided in the Court's form complaint consistent with the instructions provided at ECF
6 No. 6-1. The motion is denied in all other respects.

7 It is further ordered that the deadline for Hubble to file an amended complaint
8 consistent with the Court's August 9, 2022, screening order, this order, and the
9 instructions provided at ECF No. 6-1 is extended. Hubble has until **November 3, 2022**,
10 to file his amended complaint. If Plaintiff fails to timely file an amended complaint, this
11 action will proceed only with the Eighth Amendment deliberate indifference to serious
12 medical needs claim as set forth in the screening order.

13 It is further ordered that the motion to file an oversized reply brief in support of the
14 injunctive-relief motion (ECF No. 18) is granted. The Court will consider the reply brief
15 and exhibits filed at ECF No. 19 in proposing findings and recommendations for the
16 disposition of the injunctive-relief motion.

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18 DATED: October 4, 2022

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22 UNITED STATES MAGISTRATE JUDGE